

Senate Study Bill 3152

Amend Senate Study Bill 3152 as follows:

1. Page 1, after line 2 by inserting:

<Section 1. Section 225C.2, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. "*Mental health and disability services region*" means a mental health and disability services region formed in accordance with section 331.438B.

NEW SUBSECTION. 7B. "*Mental health and disability services regional service system*" means the mental health and disability service system for a mental health and disability services region.

NEW SUBSECTION. 9. "*Regional administrator*" means the same as defined in section 331.438A.

Sec. 2. Section 225C.4, subsection 1, paragraphs a, b, c, f, h, j, q, and s, Code 2011, are amended to read as follows:

a. Prepare and administer the comprehensive mental health and disability services plan as provided in section 225C.6B, including state mental health and mental retardation plans for the provision of disability services within the state and the state developmental disabilities plan. The administrator shall consult with the Iowa department of public health, the state board of regents or a body designated by the board for that purpose, the department of management or a body designated by the director of the department for that purpose, the department of education, the department of workforce development and any other appropriate governmental body, in order to facilitate coordination of disability services provided in this state. The state mental health and mental retardation plans shall be consistent with the state health plan, and shall incorporate ~~county disability services~~ mental health and disability services regional service system management plans.

b. ~~Assist county boards of supervisors and mental health and developmental disabilities regional planning councils~~ mental health and disability services region governing boards and regional administrators in planning for community-based disability services.

c. Emphasize the provision of evidence-based outpatient and community support services by community mental health centers and local mental retardation providers as a preferable alternative to inpatient hospital services.

f. ~~Promote coordination~~ Coordinate of community-based services with those of the state mental health institutes and state resource centers.

h. Administer and distribute state appropriations

1 to the mental health and ~~developmental disabilities~~  
2 ~~community disability regional services fund~~ established  
3 by section ~~225C.7~~ 225C.7A.

4 j. Establish and maintain a data collection and  
5 management information system oriented to the needs of  
6 patients, providers, the department, and other programs  
7 or facilities. The system shall be used to identify,  
8 collect, and analyze service outcome data in order  
9 to assess the effects of the services on the persons  
10 utilizing the services. The administrator shall  
11 annually submit to the commission information collected  
12 by the department indicating the changes and trends  
13 in the disability services system. The administrator  
14 shall make the outcome data available to the public.

15 g. In cooperation with the department of  
16 inspections and appeals, recommend minimum standards  
17 under section 227.4 for the care of and services to  
18 persons with mental illness and or mental retardation  
19 residing in county care facilities. The administrator  
20 shall also cooperate with the department of inspections  
21 and appeals in recommending minimum standards for care  
22 of and services provided to persons with mental illness  
23 or an intellectual disability living in a residential  
24 care facility regulated under chapter 135C.

25 s. Provide technical assistance concerning  
26 disability services and funding to counties and mental  
27 health and developmental disabilities regional planning  
28 councils mental health and disability services region  
29 governing boards and regional administrators.

30 Sec. 3. Section 225C.4, subsection 1, Code 2011, is  
31 amended by adding the following new paragraphs:

32 NEW PARAGRAPH. u. Enter into performance-based  
33 contracts with regional administrators pursuant to  
34 section 331.440B.

35 NEW PARAGRAPH. v. Provide information through  
36 the internet concerning waiting lists for services  
37 implemented by mental health and disability services  
38 regions.

39 Sec. 4. Section 225C.6, subsection 1, paragraph b,  
40 Code Supplement 2011, is amended to read as follows:

41 b. Adopt Pursuant to recommendations made for this  
42 purpose by the administrator, adopt necessary rules  
43 pursuant to chapter 17A which relate to disability  
44 programs and services, including but not limited to  
45 definitions of each disability included within the  
46 term "disability services" as necessary for purposes  
47 of state, county, and regional planning, programs, and  
48 services.

49 Sec. 5. Section 225C.6, subsection 1, paragraph  
50 1, Code Supplement 2011, is amended by striking the

1 paragraph and inserting in lieu thereof the following:

2 1. Pursuant to a recommendation made by the  
3 administrator, identify basic financial eligibility  
4 standards for the disability services provided by a  
5 mental health and disability services region. The  
6 initial standards shall be as specified in chapter 331.

7 Sec. 6. Section 225C.6A, Code 2011, is amended to  
8 read as follows:

9 **225C.6A Disability services data system redesign.**

10 The ~~commission~~ department shall do the following  
11 relating to ~~redesign of the data concerning the~~  
12 disability services system in the state:

13 ~~1. Identify sources of revenue to support statewide~~  
14 ~~delivery of core disability services to eligible~~  
15 ~~disability populations.~~

16 ~~2. Ensure there is a continuous improvement process~~  
17 ~~for development and maintenance of the disability~~  
18 ~~services system for adults and children. The process~~  
19 ~~shall include but is not limited to data collection and~~  
20 ~~reporting provisions.~~

21 ~~3. a. 1.~~ Plan, collect, and analyze data  
22 as necessary to issue cost estimates for serving  
23 additional populations and providing core disability  
24 services statewide. The department shall maintain  
25 compliance with applicable federal and state privacy  
26 laws to ensure the confidentiality and integrity of  
27 individually identifiable disability services data.  
28 The department ~~shall regularly~~ may periodically assess  
29 the status of the compliance in order to assure that  
30 data security is protected.

31 ~~b. 2.~~ In implementing a system under this  
32 ~~subsection~~ section for collecting and analyzing state,  
33 county, and private contractor data, the department  
34 shall establish a client identifier for the individuals  
35 receiving services. The client identifier shall  
36 be used in lieu of the individual's name or social  
37 security number. The client identifier shall consist  
38 of the last four digits of an individual's social  
39 security number, the first three letters of the  
40 individual's last name, the individual's date of birth,  
41 and the individual's gender in an order determined by  
42 the department.

43 ~~c. 3.~~ Each county regional administrator  
44 shall regularly report to the department annually  
45 ~~on or before December 1, for the preceding fiscal~~  
46 ~~year~~ the following information for each individual  
47 served: demographic information, expenditure data, and  
48 data concerning the services and other support provided  
49 to each individual, as specified ~~in administrative rule~~  
50 adopted by the commission department.

1     ~~4. Work with county representatives and other~~  
2 ~~qualified persons to develop an implementation plan~~  
3 ~~for replacing the county of legal settlement approach~~  
4 ~~to determining service system funding responsibilities~~  
5 ~~with an approach based upon residency. The plan shall~~  
6 ~~address a statewide standard for proof of residency,~~  
7 ~~outline a plan for establishing a data system for~~  
8 ~~identifying residency of eligible individuals, address~~  
9 ~~residency issues for individuals who began residing~~  
10 ~~in a county due to a court order or criminal sentence~~  
11 ~~or to obtain services in that county, recommend an~~  
12 ~~approach for contesting a residency determination, and~~  
13 ~~address other implementation issues.~~

14     Sec. 7. NEW SECTION. 225C.7A Mental health and  
15 disability regional services fund.

16     1. A mental health and disability regional services  
17 fund is created in the office of the treasurer of  
18 state under the authority of the department, which  
19 shall consist of the amounts appropriated to the  
20 fund by the general assembly for each fiscal year.  
21 Before completion of the department's budget estimate  
22 as required by section 8.23, the department shall  
23 determine and include in the estimate the amount  
24 which in order to address allowed growth should be  
25 appropriated to the fund for the succeeding fiscal  
26 year.

27     2. The department shall allocate the moneys  
28 appropriated from the fund to mental health and  
29 disability services regions for funding of disability  
30 services in accordance with performance-based contracts  
31 with the regions and in the manner provided in the  
32 appropriations. If the allocation methodology includes  
33 a population factor, the definition of "*population*" in  
34 section 331.438A shall be applied.

35     Sec. 8. Section 226.10, Code 2011, is amended to  
36 read as follows:

37     **226.10 Equal treatment.**

38     The ~~several~~ patients of the state mental health  
39 institutes, according to their different conditions of  
40 mind and body, and their respective needs, shall be  
41 provided for and treated with equal care. The care  
42 provided for patients with two or more co-occurring  
43 mental health, intellectual disability, brain injury,  
44 or substance abuse disorders shall address the  
45 co-occurring needs.

46     Sec. 9. Section 331.439, subsection 1, paragraph a,  
47 Code Supplement 2011, is amended to read as follows:

48     a. The county accurately reported by December 1  
49 the county's expenditures for mental health, mental  
50 retardation, and developmental disabilities services

1 and the information required under section 225C.6A,  
2 subsection 3, paragraph "c", for the previous fiscal  
3 year in accordance with rules adopted by the state  
4 commission. The information reported shall segregate  
5 expenditures for administration, purchase of service,  
6 and enterprise costs. If the department determines  
7 good cause exists, the department may extend a deadline  
8 otherwise imposed under this chapter, chapter 225C,  
9 or chapter 426B for a county's reporting concerning  
10 mental health, mental retardation, or developmental  
11 disabilities services or related revenues and  
12 expenditures.>

13 2. Page 1, by striking lines 5 through 24 and  
14 inserting:

15 <NEW SUBSECTION. 9A. a. Commencing during  
16 the fiscal year beginning July 1, 2012, the county  
17 management plan for mental health services shall  
18 provide that an individual's eligibility for  
19 individualized services shall be determined by a  
20 standardized functional assessment methodology approved  
21 for this purpose by the director of human services.

22 b. Commencing during the fiscal year beginning July  
23 1, 2012, the county management plan for intellectual  
24 disability services shall provide that an individual's  
25 eligibility for individualized services shall be  
26 determined by a standardized functional assessment  
27 methodology approved for this purpose by the director  
28 of human services.

29 c. Commencing during the fiscal year beginning  
30 July 1, 2012, if a county management plan provides for  
31 brain injury services the plan shall provide that an  
32 individual's eligibility for individualized services  
33 shall be determined by a standardized functional  
34 assessment methodology approved for this purpose by the  
35 director of human services.>

36 3. Page 1, line 27, by striking <1.> and inserting  
37 <1. a.>

38 4. Page 1, line 32, after <plan> by inserting <and  
39 plan format>

40 5. Page 1, line 35, by striking <state> and  
41 inserting <director of human services pursuant to a  
42 recommendation made by the state commission.>

43 6. Page 2, line 1, by striking <commission.>

44 7. Page 2, after line 1 by inserting:

45 <b. A regional service system management plan shall  
46 address a three-year period. The initial plan shall be  
47 submitted to the department by April 1, 2014, and by  
48 April 1 of every third year thereafter. The initial  
49 plan is subject to approval by the director of human  
50 services.

1 c. Each region shall submit an annual update of the  
2 region's management plan to the department of human  
3 services each year on or before December 1. The annual  
4 update shall include any changes to the elements of the  
5 management plan as well as actual numbers of persons  
6 served, moneys expended, and outcomes achieved. An  
7 annual update is subject to approval by the state  
8 commission pursuant to a recommendation by the director  
9 of human services.

10 d. An amendment to an approved management plan  
11 shall be submitted to the department of human services  
12 at least forty-five calendar days prior to the  
13 amendment implementation. The amendment is subject  
14 to approval by the state commission pursuant to a  
15 recommendation by the director of human services.>

16 8. By striking page 2, line 4, through page 3, line  
17 19.

18 9. Page 3, line 23, after <needs.> by inserting  
19 <Implementation of measures to meet the needs of  
20 individuals with brain injury or substance-related  
21 disorders is contingent upon identification of a  
22 funding source to meet those needs and implementation  
23 of provisions to engage the entity under contract  
24 with the state to provide services to address  
25 substance-related disorders within the regional service  
26 system.>

27 10. Page 3, after line 34 by inserting:

28 <0a. A description of the region's policies and  
29 procedures for financing the services included in the  
30 plan. The description shall also address how county,  
31 regional, state, and other funding sources will be used  
32 to meet the service needs within the region.>

33 11. Page 4, line 2, after <chapter.> by inserting  
34 <Each service included shall be described and  
35 projections of need and the funding necessary to meet  
36 the need shall be included.>

37 12. Page 4, line 5, after <assistance.> by  
38 inserting <The process shall also describe how  
39 coordination between the services included in the plan  
40 and the disability services administered by the state  
41 and others will be managed.>

42 13. Page 4, by striking lines 10 through 15 and  
43 inserting:

44 <h. The requirements for designation of targeted  
45 case management providers and for implementation of  
46 evidence-based models of case management for persons  
47 with chronic mental illness. The requirements shall  
48 be designed to provide the individual receiving the  
49 case management with a choice of providers, allow a  
50 service provider to be the case manager but prohibit

1 the provider from referring an individual receiving  
2 the case management only to services administered by  
3 the provider, and include other provisions to ensure  
4 compliance with but not exceed federal requirements for  
5 conflict-free case management.>

6 14. Page 4, line 24, by striking <other than> and  
7 inserting <in addition to>

8 15. Page 4, line 26, after <providers.> by  
9 inserting <A region shall be encouraged to use, and the  
10 department shall approve, blended funding approaches  
11 or coordinated funding approaches known as braided  
12 funding, which incorporate all services and funding  
13 streams used by persons receiving services, including  
14 medical assistance program funding.>

15 16. By striking page 5, line 35, through page 6,  
16 line 10, and inserting:

17 <2. a. A region or a service provider contracting  
18 with the region shall not apply a copayment, sliding  
19 fee scale, or other cost sharing requirement for a  
20 particular service to a person with an income equal to  
21 or less than one hundred fifty percent of the federal  
22 poverty level.

23 b. A person with an income above one hundred fifty  
24 percent of the federal poverty level may be eligible  
25 for services subject to a copayment, sliding fee scale,  
26 or other cost-sharing requirement approved by the  
27 department.>

28 17. Page 6, line 16, after <support.> by inserting  
29 <However, if a person is requesting services or other  
30 support that is expected to be needed for less than two  
31 years in duration, the person shall be exempt from this  
32 requirement.>

33 18. Page 7, line 4, after <state.> by inserting  
34 <However, a person who is seventeen years of age, is  
35 a resident of this state, and is receiving publicly  
36 funded children's services may be considered eligible  
37 for services through the regional service system  
38 during the three-month period preceding the person's  
39 eighteenth birthday in order to provide a smooth  
40 transition from children's to adult services.>

41 19. Page 7, by striking lines 16 through 21 and  
42 inserting:

43 <d. The person's eligibility for individualized  
44 services shall be determined in accordance with the  
45 standardized functional assessment methodology approved  
46 for mental health services by the director of human  
47 services.>

48 20. Page 7, line 29, after <state.> by inserting  
49 <However, a person who is seventeen years of age, is  
50 a resident of this state, and is receiving publicly

1 funded children's services may be considered eligible  
2 for services through the regional service system  
3 during the three-month period preceding the person's  
4 eighteenth birthday in order to provide a smooth  
5 transition from children's to adult services.>  
6 21. Page 7, by striking lines 30 through 32 and  
7 inserting:  
8 <c. The person has a diagnosis of intellectual  
9 disability or a diagnosis of developmental disability  
10 other than intellectual disability.>  
11 22. By striking page 7, line 33, through page 8,  
12 line 2, and inserting:  
13 <d. The person's eligibility for individualized  
14 services shall be determined in accordance with  
15 the standardized functional assessment methodology  
16 approved for intellectual disability and developmental  
17 disability services by the director of human services.>  
18 23. Page 8, line 8, after <state.> by inserting  
19 <However, a person who is seventeen years of age, is  
20 a resident of this state, and is receiving publicly  
21 funded children's services may be considered eligible  
22 for services through the regional service system  
23 during the three-month period preceding the person's  
24 eighteenth birthday in order to provide a smooth  
25 transition from children's to adult services.>  
26 24. Page 8, line 14, by striking <state commission>  
27 and inserting <director of human services>  
28 25. Page 8, line 15, by striking <Mental health core  
29 services> and inserting <Regional core services>  
30 26. Page 8, line 27, by striking <range of  
31 services> and inserting <set of similar, discrete  
32 services>  
33 27. By striking page 8, line 29, through page 9,  
34 line 29, and inserting:  
35 <2. a. A region shall ensure that services within  
36 the core service domains listed in subsection 3 are  
37 available for eligible persons who are not enrolled in  
38 the medical assistance program under chapter 249A or  
39 receiving other third-party payment for the services.  
40 Until funding is designated for other service  
41 populations, eligibility for the service domains listed  
42 in this section shall be limited to such persons who  
43 are in need of mental health or intellectual disability  
44 services.  
45 b. It is the intent of the general assembly to  
46 address the need for funding so that the availability  
47 of the service domains listed in this section may be  
48 expanded to include such persons who are in need of  
49 developmental disability or brain injury services.  
50 3. Pursuant to recommendations made by the director



1 of human services, the state commission shall adopt  
2 rules as required by section 225C.6 to define the  
3 services included in the initial and additional core  
4 service domains listed in this section. The rules  
5 shall provide consistency, to the extent possible,  
6 with similar service definitions under the medical  
7 assistance program.

8 4. The initial core service domains shall include  
9 the following:

10 a. Treatment designed to ameliorate a person's  
11 condition, including but not limited to all of the  
12 following:

13 (1) Assessment and evaluation.  
14 (2) Mental health outpatient therapy.  
15 (3) Medication prescribing and management.  
16 (4) Mental health inpatient treatment.

17 b. Basic crisis response provisions, including but  
18 not limited to all of the following:

19 (1) Twenty-four-hour access to crisis response.  
20 (2) Evaluation.  
21 (3) Personal emergency response system.

22 c. Support for community living, including but not  
23 limited to all of the following:

24 (1) Home health aide.  
25 (2) Home and vehicle modifications.  
26 (3) Respite.  
27 (4) Supportive community living.

28 d. Support for employment, including but not  
29 limited to all of the following:

30 (1) Day habilitation.  
31 (2) Job development.  
32 (3) Supported employment.  
33 (4) Prevocational services.

34 e. Recovery services, including but not limited to  
35 all of the following:

36 (1) Family support.  
37 (2) Peer support.

38 f. Service coordination including coordinating  
39 physical health and primary care, including but not  
40 limited to all of the following:

41 (1) Case management.  
42 (2) Health homes.

43 5. A region shall ensure that providers of core  
44 services demonstrate competencies necessary for all of  
45 the following:

46 a. Serving persons with co-occurring conditions.  
47 b. Providing evidence-based services.  
48 c. Providing trauma-informed care that recognizes  
49 the presence of trauma symptoms in persons receiving  
50 services.

1       6. A region shall ensure that services within  
2 the following additional core service domains are  
3 available to persons not eligible for the medical  
4 assistance program under chapter 249A or receiving  
5 other third-party payment for the services, when public  
6 funds are made available for such services:  
7       a. Comprehensive crisis services, including but not  
8 limited to all of the following:  
9       (1) Twenty-four-hour crisis hotline.  
10       (2) Mobile response.  
11       (3) Twenty-three-hour crisis observation and  
12 holding, and crisis stabilization facility services.  
13       (4) Crisis residential services.  
14       b. Subacute services.  
15       c. Justice system-involved services, including but  
16 not limited to all of the following:  
17       (1) Jail diversion.  
18       (2) Crisis intervention training.  
19       (3) Civil commitment prescreening.  
20       d. Advances in the use of evidence-based treatment,  
21 including but not limited to all of the following:  
22       (1) Positive behavior support.  
23       (2) Assertive community treatment.  
24       (3) Peer support services.>  
25       28. Page 9, line 30, by striking <5> and inserting  
26 <7>  
27       29. By striking page 10, line 8, through page 12,  
28 line 3.  
29       30. Page 12, by striking lines 10 through 35 and  
30 inserting <fiscal year. A region shall receive state  
31 funding for growth in non-Medicaid expenditures through  
32 the mental health and disability regional services fund  
33 created in section 225C.7A to address increased service  
34 costs, additional service populations, additional core  
35 service domains, and increased numbers of persons  
36 receiving services.  
37       b. The state commission shall recommend a  
38 non-Medicaid expenditures growth funding amount to the  
39 department, the council on human services, and the  
40 governor annually by July 15 for the fiscal year which  
41 commences two years from the beginning date of the  
42 fiscal year in progress at the time the recommendation  
43 is made. The director of human service shall consider  
44 the state commission's recommendation in the director's  
45 budget recommendations to the council on human services  
46 and the council shall consider the recommendation  
47 in approving the department's budget submitted to  
48 the governor in accordance with section 217.3. The  
49 governor shall consider the state commission's  
50 recommendation in developing the governor's

1 recommendation for a non-Medicaid expenditures growth  
2 funding amount for such fiscal year. The governor's  
3 recommendation shall be submitted at the time the  
4 governor's proposed budget for the succeeding fiscal  
5 year is submitted in accordance with chapter 8.>  
6 31. Page 13, by striking lines 10 through 12 and  
7 inserting:  
8 <Sec. \_\_\_\_\_. CODE EDITOR. The Code editor may codify  
9 the provisions of this division of this Act and any  
10 other provisions of this Act involving chapter 331 as  
11 one or more new parts of chapter 331, division III.>  
12 32. Page 14, after line 17 by inserting:  
13 <01. A provider representative of the Iowa  
14 collaborative safety net provider network established  
15 pursuant to section 135.153.>  
16 33. Page 15, by striking lines 16 and 17 and  
17 inserting <crisis intervention and prevention response  
18 that is evidence-based and utilizes best practices.>  
19 34. Page 15, line 23, after <practitioners on> by  
20 inserting <substance-related disorders, mental health,  
21 and>  
22 35. Page 15, after line 24 by inserting:  
23 <h. Study the issues surrounding the shortage  
24 of mental health professionals in the state and make  
25 recommendations for addressing the issues.>  
26 36. Page 15, line 35, by striking <person> and  
27 inserting <entity>  
28 37. Page 16, line 7, after <(1999),> by inserting  
29 <a provider representative of the Iowa collaborative  
30 safety net provider network established pursuant to  
31 section 135.153,>  
32 38. Page 16, line 8, after <2.> by inserting  
33 <The committee's recommendations shall incorporate  
34 the outcome measurement methodologies previously  
35 developed by the mental health and disability services  
36 commission.>  
37 39. Page 16, line 12, before <regional> by  
38 inserting <mental health and disability>  
39 40. Page 16, line 16, after <requirements.> by  
40 inserting <The committee recommendations shall be  
41 submitted to the governor, general assembly, and  
42 policymaking bodies. The mental health and disability  
43 services commission and other policymaking bodies  
44 shall consider the recommendations in eliminating or  
45 otherwise revising data collection requirements.>  
46 41. Page 16, line 22, by striking <regional service  
47 system> and inserting <mental health and disability  
48 regional service system>  
49 42. Page 17, line 1, by striking <Develop> and  
50 inserting <Expand the use of>

1 43. Page 17, by striking lines 19 and 20 and  
2 inserting:  
3 <i. Consider allowing providers to seek  
4 accreditation from a national accrediting body in lieu  
5 of state accreditation or certification.>  
6 44. Page 17, by striking lines 21 and 22.  
7 45. By striking page 17, line 25, through page 18,  
8 line 3.  
9 46. Page 18, after line 24 by inserting:  
10 <Sec. \_\_\_\_\_. Section 97B.1A, subsection 9, Code  
11 Supplement 2011, is amended to read as follows:  
12 9. "Employer" means the state of Iowa, the  
13 counties, municipalities, agencies, public school  
14 districts, all political subdivisions, and all of  
15 their departments and instrumentalities, including  
16 area agencies on aging, other than those employing  
17 persons as specified in subsection 8, paragraph "b",  
18 subparagraph (7), regional administrators formed  
19 by a chapter 28E agreement as authorized in section  
20 331.438C, and joint planning commissions created under  
21 chapter 28E or 28I.  
22 If an interstate agency is established under chapter  
23 28E and similar enabling legislation in an adjoining  
24 state, and an employer had made contributions to the  
25 retirement system for employees performing functions  
26 which are transferred to the interstate agency, the  
27 employees of the interstate agency who perform those  
28 functions shall be considered to be employees of the  
29 employer for the sole purpose of membership in the  
30 retirement system, although the employer contributions  
31 for those employees are made by the interstate agency.>  
32 47. Page 18, line 34, by striking <entity> and  
33 inserting <office, organization, or entity>  
34 48. Page 19, line 8, by striking <children and>  
35 49. Page 19, by striking lines 11 through 13 and  
36 inserting:  
37 <2. The director of human services shall approve  
38 any region meeting the requirements of subsection  
39 3. However, the director of human services, with the  
40 approval of the state commission, may grant a waiver  
41 from the requirement relating to the minimum number  
42 of counties or the requirement providing population  
43 parameters if there is convincing evidence that  
44 compliance with such requirement is not workable.>  
45 50. Page 19, by striking lines 23 through 26.  
46 51. Page 20, line 4, by striking <capacity> and  
47 inserting <capability>  
48 52. Page 20, by striking line 30 and inserting:  
49 <c. During the period of November 2, 2012, through  
50 January 1, 2013, the department shall work with any

1 county that has not agreed to voluntarily be part of  
2 a region in accordance with paragraph "a" and with  
3 the counties adjoining the county to resolve issues  
4 preventing the county from joining a region. By  
5 January>  
6 53. Page 21, line 20, by striking <provider> and  
7 inserting <providers>  
8 54. Page 21, by striking line 30 and inserting  
9 <technology requirements identified by the department.>  
10 55. Page 21, by striking line 31 and inserting:  
11 <(6) The department has approved>  
12 56. Page 22, by striking lines 13 through 18 and  
13 inserting:  
14 <a. The voting membership of the governing board  
15 shall consist of one board of supervisors member from  
16 each county comprising the region or their designees.  
17 On governing board decisions involving finances,  
18 collective bargaining, and other finance-related  
19 matters identified by these members, any of these  
20 members may request a weighted vote. In a weighted  
21 vote, each of the counties comprising the region is  
22 assigned a number of votes equal to its population  
23 within the region and approval of the decision requires  
24 at least three-fourths of the total votes cast. The  
25 population figures in the federal census or the latest  
26 applicable estimate issued by the United States bureau  
27 of the census, whichever is more recent, shall be used  
28 for purposes of determining population.>  
29 57. Page 22, line 20, by striking <at least> and  
30 inserting <not more than>  
31 58. Page 22, line 22, after <designated> by  
32 inserting <by the advisory committee or committees  
33 formed by the governing board pursuant to this  
34 section,>  
35 59. Page 22, line 25, after <region.> by inserting  
36 <The members designated in accordance with this  
37 paragraph shall serve in a nonvoting, ex officio  
38 capacity.>  
39 60. Page 22, by striking lines 26 and 27 and  
40 inserting:  
41 <c. The membership of the governing board shall not  
42 include employees of the department of human services.  
43 d. The membership of the governing board shall also  
44 consist of not more than three members representing  
45 service providers in the region. These members shall  
46 be designated by the advisory committee or committees  
47 formed by the governing board pursuant to this section  
48 in a manner to represent the various types of service  
49 providers. The members designated in accordance with  
50 this paragraph shall serve in a nonvoting, ex officio

1 capacity.>  
2 61. Page 23, by striking lines 13 through 16 and  
3 inserting:  
4 <2. The administrative costs of the regional  
5 administrator shall be limited to the percentage of  
6 expenditures for administrative costs allowed for the  
7 entity under contract with the department of human  
8 services to provide mental health managed care for the  
9 medical assistance program. This limitation shall  
10 be subject to regular review by the department. The  
11 department may submit recommendations to the governor  
12 and general assembly for appropriate changes to the  
13 limitation.>  
14 62. Page 23, line 17, after <pursuant to> by  
15 inserting <appropriations from the mental health and  
16 disability regional services fund created in section  
17 225C.7A and from>  
18 63. Page 25, after line 11 by inserting:  
19 <5. If implementation of a region's regional  
20 administrator results in a change in the employer of  
21 county employees assigned to the central point of  
22 coordination administrator under section 331.440, Code  
23 Supplement 2011, and the employees were covered under a  
24 collective bargaining agreement, such employees shall  
25 be retained and the agreement shall be continued by  
26 the successor employer as though there had not been a  
27 change in employer.>  
28 64. Page 25, by striking lines 24 through 30 and  
29 inserting <A person maintains residency in the county  
30 in which the person last resided while a person is  
31 present in another county receiving services in a  
32 hospital, a correctional facility, a halfway house  
33 for community-based corrections or substance-related  
34 treatment, a nursing facility, an intermediate care  
35 facility for persons with an intellectual disability,  
36 or a residential care facility, or for the purpose of  
37 attending a college or university.>  
38 65. Page 28, by striking lines 17 through 20 and  
39 inserting:  
40 <Sec. \_\_\_\_\_. CODE EDITOR. The Code editor may codify  
41 the provisions of this division of this Act and any  
42 other provisions of this Act involving chapter 331 as  
43 one or more new parts of chapter 331, division III.>  
44 66. By striking page 28, line 25, through page 35,  
45 line 30, and inserting:  
46 <DIVISION \_\_\_\_  
47 SUBACUTE FACILITIES  
48 Sec. \_\_\_\_\_. STUDY OF SUBACUTE FACILITIES. The  
49 department of human services shall conduct a  
50 feasibility study and cost analysis of providing

1 institutional subacute services utilizing facilities  
2 available at one or more of the state mental health  
3 institutes or the Iowa veterans home, and shall  
4 submit a report of the study containing findings and  
5 recommendations to the governor and general assembly on  
6 or before December 1, 2012.>

7 67. Page 35, by striking lines 32 through 34 and  
8 inserting <CONFORMING AMENDMENTS — LEGAL SETTLEMENT  
9 AND DISPUTE>

10 68. By striking page 36, line 1, through page 86,  
11 line 12, and inserting:

12 <Sec. \_\_\_\_\_. Section 218.99, Code 2011, is amended to  
13 read as follows:

14 **218.99 Counties to be notified of patients' personal**  
15 **accounts.**

16 The administrator in control of a state institution  
17 shall direct the business manager of each institution  
18 under the administrator's jurisdiction which is  
19 mentioned in section 331.424, subsection 1, paragraph  
20 "a", subparagraphs (1) and (2), and for which services  
21 are paid under section 331.424A, to quarterly inform  
22 the county of ~~legal settlement's entity designated to~~  
23 ~~perform the county's central point of coordination~~  
24 process residence of any patient or resident who has an  
25 amount in excess of two hundred dollars on account in  
26 the patients' personal deposit fund and the amount on  
27 deposit. The administrators shall direct the business  
28 manager to further notify the ~~entity designated to~~  
29 ~~perform the county's central point of coordination~~  
30 process county of residence at least fifteen days  
31 before the release of funds in excess of two hundred  
32 dollars or upon the death of the patient or resident.  
33 If the patient or resident has no ~~county of legal~~  
34 ~~settlement~~ residency in this state or the person's  
35 residency is unknown so that the person is deemed to  
36 be a state case, notice shall be made to the director  
37 of human services and the administrator in control of  
38 the institution involved.

39 Sec. \_\_\_\_\_. Section 222.10, Code 2011, is amended to  
40 read as follows:

41 **222.10 Duty of peace officer.**

42 When any person with mental retardation departs  
43 without proper authority from an institution in another  
44 state and is found in this state, any peace officer  
45 in any county in which such patient is found may take  
46 and detain the patient without warrant or order and  
47 shall report such detention to the administrator.  
48 The administrator shall provide for the return of  
49 the patient to the authorities in the state from  
50 which the unauthorized departure was made. Pending

1 return, such patient may be detained temporarily at  
2 one of the institutions of this state governed by the  
3 administrator or by the administrator of the division  
4 of child and family services of the department of human  
5 services. The provisions of this section relating  
6 to the administrator shall also apply to the return  
7 of other nonresident persons with mental retardation  
8 having legal ~~settlement~~ residency outside the state of  
9 Iowa.

10 Sec. \_\_\_\_\_. Section 222.13, subsection 1, Code 2011,  
11 is amended to read as follows:

12 1. If an adult person is believed to be a person  
13 with mental retardation, the adult person or the adult  
14 person's guardian may submit a request through the  
15 central point of coordination process for the county  
16 board of supervisors of the adult person's county of  
17 residence in writing to apply to the superintendent of  
18 any state resource center for the voluntary admission  
19 of the adult person either as an inpatient or an  
20 outpatient of the resource center. ~~After determining~~  
21 ~~the legal settlement of the adult person as provided~~  
22 ~~by this chapter, the~~ The board of supervisors shall,  
23 on forms prescribed by the department's administrator,  
24 apply to the superintendent of the resource center in  
25 the district for the admission of the adult person to  
26 the resource center. An application for admission to  
27 a special unit of any adult person believed to be in  
28 need of any of the services provided by the special  
29 unit under section 222.88 may be made in the same  
30 manner, upon request of the adult person or the adult  
31 person's guardian. The superintendent shall accept  
32 the application ~~providing if a preadmission diagnostic~~  
33 ~~evaluation, performed through the central point of~~  
34 ~~coordination process, confirms or establishes the need~~  
35 ~~for admission, except that an application may shall not~~  
36 ~~be accepted if the institution does not have adequate~~  
37 ~~facilities available or if the acceptance will result~~  
38 ~~in an overcrowded condition.~~

39 Sec. \_\_\_\_\_. Section 222.31, subsection 1, paragraph  
40 b, subparagraph (1), Code 2011, is amended to read as  
41 follows: (1) Commit the person to the state resource  
42 center designated by the administrator to serve the  
43 county in which the hearing is being held, or to  
44 a special unit. The court shall, prior to issuing  
45 an order of commitment, request that a diagnostic  
46 evaluation of the person be made by ~~the superintendent~~  
47 ~~of the resource center or the special unit, or the~~  
48 ~~superintendent's qualified designee~~ a person qualified  
49 to perform the diagnostic evaluation. ~~The evaluation~~  
50 ~~shall be conducted at a place as the superintendent may~~



1 ~~direct.~~ The cost of the evaluation shall be defrayed  
2 by the committed person's county of legal settlement  
3 residence unless otherwise ordered by the court. The  
4 cost of the evaluation to be charged may be equal to  
5 but shall not exceed the actual cost of the evaluation.  
6 ~~Persons referred by a court to a resource center or~~  
7 ~~the special unit for diagnostic evaluation shall be~~  
8 ~~considered as outpatients of the institution. No order~~  
9 ~~of commitment shall be issued unless the superintendent~~  
10 ~~of the institution recommends that the order be issued,~~  
11 ~~and advises the court that adequate facilities for the~~  
12 ~~care of the person are available.~~

13 Sec. \_\_\_\_\_. Section 222.49, Code 2011, is amended to  
14 read as follows:

15 **222.49 Costs paid.**

16 The costs of proceedings shall be defrayed ~~from the~~  
17 county treasury paid by the county or the state, as  
18 determined in accordance with section 222.60, unless  
19 otherwise ordered by the court. When the person  
20 alleged to be mentally retarded is found not to be  
21 mentally retarded, the court shall render judgment  
22 for such costs against the person filing the petition  
23 except when the petition is filed by order of court.

24 Sec. \_\_\_\_\_. Section 222.50, Code 2011, is amended to  
25 read as follows:

26 **222.50 County of legal settlement residence or state**  
27 **to pay.**

28 When the proceedings are instituted in a county  
29 in which the person who is alleged to have mental  
30 retardation was found but which is not the county of  
31 legal settlement residence of the person, and the  
32 costs are not taxed to the petitioner, the person's  
33 county which is the legal settlement of the person of  
34 residence or the state, as determined in accordance  
35 with section 222.60, shall, on presentation of a  
36 properly itemized bill for such costs, repay the  
37 costs to the former county. ~~When the person's legal~~  
38 ~~settlement is outside the state or is unknown, the~~  
39 ~~costs shall be paid out of money in the state treasury~~  
40 ~~not otherwise appropriated, itemized on vouchers~~  
41 ~~executed by the auditor of the county which paid the~~  
42 ~~costs, and approved by the administrator.~~

43 Sec. \_\_\_\_\_. Section 222.60, subsection 1, Code 2011,  
44 is amended to read as follows:

45 1. All necessary and legal expenses for the cost  
46 of admission or commitment or for the treatment,  
47 training, instruction, care, habilitation, support and  
48 transportation of persons with mental retardation, as  
49 provided for in the county management plan provisions  
50 implemented pursuant to section 331.439, subsection 1,

1 in a state resource center, or in a special unit, or  
2 any public or private facility within or without the  
3 state, approved by the director of the department of  
4 human services, shall be paid by either:

5 a. The person's county in which such person has  
6 legal settlement as defined in section 252.16 of  
7 residence.

8 b. The state when such the person has no legal  
9 settlement or when such settlement is unknown is a  
10 resident in another state or in a foreign country or  
11 the residence is unknown. The payment responsibility  
12 shall be deemed to be a state case.

13 Sec. 55. Section 222.60, subsection 2, Code 2011,  
14 is amended to read as follows:

15 2. a. Prior to a county of legal settlement  
16 residence approving the payment of expenses for a  
17 person under this section, the county may require that  
18 the person be diagnosed to determine if the person has  
19 mental retardation or that the person be evaluated to  
20 determine the appropriate level of services required to  
21 meet the person's needs relating to mental retardation.  
22 The diagnosis and the evaluation may be performed  
23 concurrently and shall be performed by an individual or  
24 individuals approved by the county who are qualified to  
25 perform the diagnosis or the evaluation. Following the  
26 initial approval for payment of expenses, the county  
27 of legal settlement may require that an evaluation be  
28 performed at reasonable time periods.

29 b. The cost of a county-required diagnosis and an  
30 evaluation is at the county's expense. In the For  
31 a state case of a person without legal settlement  
32 or whose legal settlement is unknown, the state may  
33 apply the diagnosis and evaluation provisions of this  
34 subsection at the state's expense.

35 c. A diagnosis or an evaluation under this section  
36 may be part of a county's central point of coordination  
37 process under section 331.440, provided that a  
38 diagnosis is performed only by an individual qualified  
39 as provided in this section.

40 Sec. \_\_\_\_\_. Section 222.61, Code 2011, is amended to  
41 read as follows:

42 **222.61 Legal settlement Residency determined.**

43 When a county receives an application on behalf of  
44 any person for admission to a resource center or a  
45 special unit or when a court issues an order committing  
46 any person to a resource center or a special unit,  
47 the board of supervisors shall utilize refer the  
48 determination of residency to the central point of  
49 coordination process to determine and certify that the  
50 legal settlement residence of the person is in one of

1 the following:

- 2 1. In the county in which the application is
- 3 received or in which the court is located.
- 4 2. In some other county of the state.
- 5 3. In another state or in a foreign country.
- 6 4. Unknown.

7 Sec. \_\_\_\_\_. Section 222.62, Code 2011, is amended to  
8 read as follows:

9 **222.62 Settlement Residency in another county.**

10 When the board of supervisors determines through the  
11 central point of coordination process that the ~~legal~~  
12 ~~settlement residency~~ of the person is other than in  
13 the county in which the application is received, the  
14 determination shall be certified to the superintendent  
15 of the resource center or the special unit where  
16 the person is a patient. The certification shall be  
17 accompanied by a copy of the evidence supporting the  
18 determination. The superintendent shall charge the  
19 expenses already incurred and unadjusted, and all  
20 future expenses of the patient, to the county certified  
21 to be the county of ~~legal settlement residency~~.

22 Sec. \_\_\_\_\_. Section 222.63, Code 2011, is amended to  
23 read as follows:

24 **222.63 Finding of settlement residency — objection.**

25 A board of supervisors' certification utilizing the  
26 central point of coordination process that a person's  
27 ~~legal settlement residency~~ is in another county shall  
28 be sent by the board of supervisors to the auditor  
29 of the county of ~~legal settlement residence~~. The  
30 certification shall be accompanied by a copy of the  
31 evidence supporting the determination. The auditor  
32 of the county of ~~legal settlement residence~~ shall  
33 submit the certification to the board of supervisors  
34 of the auditor's county and it shall be conclusively  
35 presumed that the patient has a ~~legal settlement~~  
36 ~~residency~~ in that county unless that county disputes  
37 the determination of ~~legal settlement residency~~ as  
38 provided in section 225C.8.

39 Sec. \_\_\_\_\_. Section 222.64, Code 2011, is amended to  
40 read as follows:

41 **222.64 Foreign state or country or unknown legal**  
42 **settlement residency.**

43 If the ~~legal settlement residency~~ of the person  
44 is determined by the board of supervisors through the  
45 ~~central point of coordination process~~ a county or  
46 the state to be in a foreign state or country or is  
47 determined to be unknown, the board of supervisors  
48 county or the state shall certify the determination  
49 to the administrator. The certification shall be  
50 accompanied by a copy of the evidence supporting

1 the determination. The care of the person shall  
2 be as arranged by the ~~board of supervisors~~ county  
3 or the state or by an order as the court may enter.  
4 Application for admission or order of commitment may be  
5 made pending investigation by the administrator.

6 Sec. \_\_\_\_\_. Section 222.65, Code 2011, is amended to  
7 read as follows:

8 **222.65 Investigation.**

9 If an application is made for placement of a  
10 person in a state resource center or special unit,  
11 the department's administrator shall immediately  
12 investigate the ~~legal settlement~~ residency of the  
13 person and proceed as follows:

14 1. If the administrator concurs with a certified  
15 determination as to ~~legal settlement~~ residency of the  
16 person so that the person is deemed a state case under  
17 section 222.60, the administrator shall cause the  
18 person either to be transferred to a resource center  
19 or a special unit or to be transferred to the place of  
20 foreign settlement residency.

21 2. If the administrator disputes a certified  
22 determination of ~~legal settlement~~ residency, the  
23 administrator shall order the person transferred to  
24 a state resource center or a special unit until the  
25 dispute is resolved.

26 3. If the administrator disputes a certified  
27 determination of ~~legal settlement~~ residency, the  
28 administrator shall utilize the procedure provided in  
29 section 225C.8 to resolve the dispute. A determination  
30 of the person's ~~legal settlement~~ residency status made  
31 pursuant to section 225C.8 is conclusive.

32 Sec. \_\_\_\_\_. Section 222.66, Code 2011, is amended to  
33 read as follows:

34 **222.66 Transfers — state cases — expenses.**

35 1. The transfer to a resource center or a special  
36 unit or to the place of ~~legal settlement~~ residency  
37 of a person with mental retardation who has no ~~legal~~  
38 ~~settlement residence~~ in this state or whose ~~legal~~  
39 ~~settlement residency~~ is unknown, shall be made in  
40 accordance with such directions as shall be prescribed  
41 by the administrator and when practicable by employees  
42 of the state resource center or the special unit. The  
43 actual and necessary expenses of such transfers shall  
44 be paid by the department on itemized vouchers sworn to  
45 by the claimants and approved by the administrator and  
46 the approved amount is appropriated to the department  
47 from any funds in the state treasury not otherwise  
48 appropriated.

49 2. The case of a person with an intellectual  
50 disability who is determined to have no residence in

1 this state or whose residence is unknown shall be  
2 considered a state case.

3 Sec. \_\_\_\_\_. Section 222.67, Code 2011, is amended to  
4 read as follows:

5 **222.67 Charge on finding of settlement residency.**

6 If a person has been received into a resource center  
7 or a special unit as a patient whose ~~legal settlement~~  
8 ~~is supposedly outside the state or~~ residency is  
9 unknown and the administrator determines that the ~~legal~~  
10 ~~settlement~~ residency of the patient was at the time  
11 of admission or commitment in a county of this state,  
12 the administrator shall certify the determination  
13 and charge all legal costs and expenses pertaining  
14 to the admission or commitment and support of the  
15 patient to the county of ~~legal settlement~~ residence.  
16 The certification shall be sent to the county of  
17 ~~legal settlement~~ residence. The certification shall  
18 be accompanied by a copy of the evidence supporting  
19 the determination. If the person's ~~legal settlement~~  
20 residency status has been determined in accordance with  
21 section 225C.8, the legal costs and expenses shall be  
22 charged to the county or as a state case in accordance  
23 with that determination. The costs and expenses shall  
24 be collected as provided by law in other cases.

25 Sec. \_\_\_\_\_. Section 222.68, Code 2011, is amended to  
26 read as follows:

27 **222.68 Costs paid in first instance.**

28 All necessary and legal expenses for the cost of  
29 admission or commitment of a person to a resource  
30 center or a special unit when the person's ~~legal~~  
31 ~~settlement residency~~ is found to be in another county  
32 of this state shall in the first instance be paid  
33 by the county from which the person was admitted or  
34 committed. The county of ~~legal settlement~~ residence  
35 shall reimburse the county which pays for all such  
36 expenses. ~~Where any~~ If a county fails to make such  
37 reimbursement within forty-five days following  
38 submission of a properly itemized bill to the county of  
39 ~~legal settlement~~ residence, a penalty of not greater  
40 than one percent per month on and after forty-five days  
41 from submission of the bill may be added to the amount  
42 due.

43 Sec. \_\_\_\_\_. Section 222.69, Code 2011, is amended to  
44 read as follows:

45 **222.69 Payment by state.**

46 ~~All~~ The amount necessary to pay the necessary and  
47 legal expenses for the cost of admission or commitment  
48 of a person to a resource center or a special unit  
49 when the person's legal settlement residence is  
50 outside this state or is unknown shall be paid out of

1 is appropriated to the department from any money in  
2 the state treasury not otherwise appropriated. Such  
3 payments shall be made by the department on itemized  
4 vouchers executed by the auditor of the county from  
5 which the expenses have been paid and approved by the  
6 administrator.

7 Sec. \_\_\_\_\_. Section 222.70, Code 2011, is amended to  
8 read as follows:

9 **222.70 ~~Legal settlement~~ Residency disputes.**

10 If a dispute arises between counties or between the  
11 department and a county as to the ~~legal settlement~~  
12 residency of a person admitted or committed to a  
13 resource center, a special unit, or a community-based  
14 service, the dispute shall be resolved as provided in  
15 section 225C.8.

16 Sec. \_\_\_\_\_. Section 222.73, subsection 2, paragraph  
17 a, unnumbered paragraph 1, Code 2011, is amended to  
18 read as follows:

19 The superintendent shall certify to the department  
20 the billings to each county for services provided to  
21 patients chargeable to the county during the preceding  
22 calendar quarter. The county billings shall be based  
23 on the average daily patient charge and outpatient  
24 treatment charges computed pursuant to subsection  
25 1, and the number of inpatient days and outpatient  
26 treatment service units chargeable to the county. The  
27 billings to a county of ~~legal settlement~~ residence  
28 are subject to adjustment for all of the following  
29 circumstances:

30 Sec. \_\_\_\_\_. Section 222.77, Code 2011, is amended to  
31 read as follows:

32 **222.77 Patients on leave.**

33 The cost of support of patients placed on  
34 convalescent leave or removed as a habilitation measure  
35 from a resource center, or a special unit, except when  
36 living in the home of a person legally bound for the  
37 support of the patient, shall be paid by the county of  
38 ~~legal settlement~~ residence or the state as provided  
39 in section 222.60. If the patient has no county of  
40 legal settlement, the cost shall be paid from the  
41 support fund of the resource center or special unit and  
42 charged on abstract in the same manner as other state  
43 inpatients until the patient becomes self-supporting or  
44 qualifies for support under other statutes.

45 Sec. \_\_\_\_\_. Section 222.78, Code 2011, is amended to  
46 read as follows:

47 **222.78 Parents and others liable for support.**

48 1. The father and mother of any patient admitted  
49 or committed to a resource center or to a special  
50 unit, as either an inpatient or an outpatient, and any

1 person, firm, or corporation bound by contract made  
2 for support of the patient are liable for the support  
3 of the patient. The patient and those legally bound  
4 for the support of the patient shall be liable to the  
5 county or state, as applicable, for all sums advanced  
6 ~~by the county to the state under~~ in accordance with the  
7 provisions of sections 222.60 and 222.77.

8     2. The liability of any person, other than the  
9 patient, who is legally bound for the support of  
10 a patient who is under eighteen years of age in a  
11 resource center or a special unit shall not exceed  
12 the average minimum cost of the care of a normally  
13 intelligent minor without a disability of the same age  
14 and sex as the minor patient. The administrator shall  
15 establish the scale for this purpose but the scale  
16 shall not exceed the standards for personal allowances  
17 established by the state division under the family  
18 investment program. The father or mother shall incur  
19 liability only during any period when the father or  
20 mother either individually or jointly receive a net  
21 income from whatever source, commensurate with that  
22 upon which they would be liable to make an income  
23 tax payment to this state. The father or mother of  
24 a patient shall not be liable for the support of the  
25 patient upon the patient attaining eighteen years of  
26 age. Nothing in this section shall be construed to  
27 prevent a relative or other person from voluntarily  
28 paying the full actual cost as established by the  
29 administrator for caring for the patient with mental  
30 retardation.

31     Sec. \_\_\_\_\_. Section 222.79, Code 2011, is amended to  
32 read as follows:

33     **222.79 Certification statement presumed correct.**

34     In actions to enforce the liability imposed by  
35 section 222.78, ~~the certification statement sent from~~  
36 ~~the superintendent to the county auditor pursuant~~  
37 ~~to section 222.74 or the county of residence, as~~  
38 applicable, shall submit a certification statement  
39 stating the sums charged in such cases and the  
40 certification statement shall be considered  
41 presumptively correct.

42     Sec. \_\_\_\_\_. Section 222.80, Code 2011, is amended to  
43 read as follows:

44     **222.80 Liability to county or state.**

45     A person admitted or committed to a county  
46 institution or home or admitted or committed at county  
47 or state expense to a private hospital, sanitarium, or  
48 other facility for treatment, training, instruction,  
49 care, habilitation, and support as a patient with  
50 mental retardation shall be liable to the county or

1 state, as applicable, for the reasonable cost of the  
2 support as provided in section 222.78.

3 Sec. \_\_\_\_\_. Section 222.82, Code 2011, is amended to  
4 read as follows:

5 **222.82 Collection of liabilities and claims.**

6 The If liabilities and claims exist as provided  
7 in section 222.78 or other provision of this chapter,  
8 the county of residence or the state, as applicable,  
9 may proceed as provided in this section. If the  
10 liabilities and claims are owed to a county of  
11 residence, the county's board of supervisors of each  
12 county may direct the county attorney to proceed with  
13 the collection of said the liabilities and claims as a  
14 part of the duties of the county attorney's office when  
15 the board of supervisors deems such action advisable.  
16 If the liabilities and claims are owed to the state,  
17 the state shall proceed with the collection. The board  
18 of supervisors or the state, as applicable, may and is  
19 hereby empowered to compromise any and all liabilities  
20 to the county or state arising under this chapter when  
21 such compromise is deemed to be in the best interests  
22 of the county or state. Any collections and liens  
23 shall be limited in conformance to section 614.1,  
24 subsection 4.

25 Sec. \_\_\_\_\_. Section 222.86, Code 2011, is amended to  
26 read as follows:

27 **222.86 Payment for care from fund.**

28 If a patient is not receiving medical assistance  
29 under chapter 249A and the amount in the account of any  
30 patient in the patients' personal deposit fund exceeds  
31 two hundred dollars, the business manager of the  
32 resource center or special unit may apply any amount of  
33 the excess to reimburse the county of legal settlement  
34 or the state in a case where no legal settlement exists  
35 residence or the state for liability incurred by the  
36 county or the state for the payment of care, support,  
37 and maintenance of the patient, when billed by the  
38 county of legal settlement or by the administrator  
39 for a patient having no legal settlement or state, as  
40 applicable.

41 Sec. \_\_\_\_\_. Section 222.92, subsection 3, paragraph  
42 a, Code 2011, is amended to read as follows:

43 a. Moneys received by the state from billings to  
44 counties under section 222.73.

45 Sec. \_\_\_\_\_. Section 225.23, Code 2011, is amended to  
46 read as follows:

47 **225.23 Collection for treatment.**

48 If the bills for a committed or voluntary private  
49 patient are paid by the state, the state psychiatric  
50 hospital shall file a certified copy of the claim for



1 the bills with the auditor of the patient's county  
2 of residence department of administrative services.  
3 The county of residence department shall proceed to  
4 collect the claim in the name of the state psychiatric  
5 hospital and, when collected, pay the amount collected  
6 to the director of the department of administrative  
7 services. The hospital shall also, at the same time,  
8 forward a duplicate of the claim to the director of the  
9 department of administrative services.

10 Sec. \_\_\_\_\_. Section 225C.6A, subsection 4, Code 2011,  
11 is amended by striking the subsection.

12 Sec. \_\_\_\_\_. Section 225C.8, Code 2011, is amended to  
13 read as follows:

14 **225C.8 Legal settlement Residency dispute**  
15 **resolution.**

16 1. a. The dispute resolution process implemented  
17 in accordance with this section applies to ~~legal~~  
18 ~~settlement~~ residency disputes and is not applicable  
19 to disputes involving persons committed to a state  
20 facility pursuant to chapter 812 or rule of criminal  
21 procedure 2.22, Iowa court rules, or to disputes of  
22 service authorization decisions made through the county  
23 central point of coordination process.

24 b. If a county receives a billing for services  
25 provided to a person under chapter 222, 230, or  
26 249A, or objects to a ~~legal settlement~~ residency  
27 determination certified by the department or another  
28 county and asserts either that the person has ~~legal~~  
29 ~~settlement~~ residency in another county or that the  
30 person has no ~~legal settlement~~ residency or the ~~legal~~  
31 ~~settlement~~ person's residency is unknown so that the  
32 person is deemed to be a state case, the person's ~~legal~~  
33 ~~settlement~~ residency status shall be determined as  
34 provided in this section. The county shall notify the  
35 department of the county's assertion within one hundred  
36 twenty days of receiving the billing. If the county  
37 asserts that the person has ~~legal settlement~~ residency  
38 in another county, that county shall be notified at  
39 the same time as the department. If the department  
40 disputes a ~~legal settlement~~ residency determination  
41 certification made by a county, the department shall  
42 notify the affected counties of the department's  
43 assertion.

44 2. The department or the county that received the  
45 notification, as applicable, shall respond to the  
46 party that provided the notification within forty-five  
47 days of receiving the notification. If the parties  
48 cannot agree to a ~~settlement~~ resolution as to the  
49 person's ~~legal settlement~~ residency status within  
50 ninety days of the date of notification, on motion of

1 any of the parties, the matter shall be referred to the  
2 department of inspections and appeals for a contested  
3 case hearing under chapter 17A before an administrative  
4 law judge assigned in accordance with section 10A.801  
5 to determine the person's ~~legal-settlement~~ residency  
6 status.

7 3. a. The administrative law judge's determination  
8 of the person's ~~legal-settlement~~ residency status  
9 is a final agency action, notwithstanding contrary  
10 provisions of section 17A.15. The party that does not  
11 prevail in the determination or subsequent judicial  
12 review is liable for costs associated with the  
13 proceeding, including reimbursement of the department  
14 of inspections and appeals' actual costs associated  
15 with the administrative proceeding. Judicial review  
16 of the determination may be sought in accordance with  
17 section 17A.19.

18 b. If following the determination of a person's  
19 ~~legal-settlement~~ residency status in accordance with  
20 this section, additional evidence becomes available  
21 that merits a change in that determination, the  
22 parties affected may change the determination by mutual  
23 agreement. Otherwise, a party may move that the matter  
24 be reconsidered.

25 4. Unless a petition is filed for judicial review,  
26 the administrative law judge's determination of the  
27 person's ~~legal-settlement~~ residency status shall result  
28 in one of the following:

29 a. If a county is determined to be the person's  
30 county of ~~legal-settlement~~ residence, the county shall  
31 pay the amounts due and shall reimburse any other  
32 amounts paid for services provided under chapter 222,  
33 230, or 249A by the county or the department on the  
34 person's behalf prior to issuance of the decision.  
35 The payment or reimbursement shall be remitted within  
36 forty-five days of the date the decision was issued.  
37 After the forty-five-day period, a penalty may be  
38 applied as authorized under section 222.68, 222.75, or  
39 230.22.

40 b. If it is determined that the person has no  
41 ~~legal-settlement~~ residency in the state or the ~~legal-~~  
42 ~~settlement~~ person's residency is unknown so that the  
43 person is deemed to be a state case, the department  
44 shall credit the county for any payment made on  
45 behalf of the person by the county prior to issuance  
46 of the decision. The credit shall be applied by the  
47 department on a county billing no later than the end  
48 of the quarter immediately following the date of the  
49 decision's issuance.

50 5. This section is repealed July 1, 2013.

1     Sec. \_\_\_\_\_. Section 225C.16, subsection 2, Code 2011,  
2 is amended to read as follows:

3     2. The clerk of the district court in that county  
4 shall refer a person applying for authorization for  
5 voluntary admission, or for authorization for voluntary  
6 admission of another person, in accordance with section  
7 229.42, to the appropriate entity designated through  
8 the central point of coordination process of the  
9 person's county of residence under section 225C.14  
10 for the preliminary diagnostic evaluation unless  
11 the applicant furnishes a written statement from the  
12 appropriate entity which indicates that the evaluation  
13 has been performed and that the person's admission  
14 to a state mental health institute is appropriate.  
15 This subsection does not apply when authorization for  
16 voluntary admission is sought under circumstances  
17 which, in the opinion of the chief medical officer or  
18 that officer's physician designee, constitute a medical  
19 emergency.

20     Sec. \_\_\_\_\_. Section 226.9C, subsection 1, unnumbered  
21 paragraph 1, Code Supplement 2011, is amended to read  
22 as follows:

23     The state mental health institute at Mount Pleasant  
24 shall operate the dual diagnosis mental health and  
25 ~~substance abuse~~ substance-related disorder treatment  
26 program on a net budgeting basis in which fifty percent  
27 of the actual per diem and ancillary services costs are  
28 chargeable to the patient's county of legal settlement  
29 residence or as a state case, as appropriate.  
30 Subject to the approval of the department, revenues  
31 attributable to the dual diagnosis program for each  
32 fiscal year shall be deposited in the mental health  
33 institute's account and are appropriated to the  
34 department for the dual diagnosis program, including  
35 but not limited to all of the following revenues:

36     Sec. \_\_\_\_\_. Section 226.45, Code 2011, is amended to  
37 read as follows:

38     **226.45 Reimbursement to county or state.**

39     If a patient is not receiving medical assistance  
40 under chapter 249A and the amount to the account of  
41 any patient in the patients' personal deposit fund  
42 exceeds two hundred dollars, the business manager of  
43 the hospital may apply any of the excess to reimburse  
44 the county of legal settlement residence or the state  
45 ~~in a case where no legal settlement exists for a state~~  
46 case for liability incurred by the county or the state  
47 for the payment of care, support and maintenance of the  
48 patient, when billed by the county of legal settlement  
49 residence or by the administrator for a patient having  
50 no legal settlement state case.

1     Sec. \_\_\_\_\_. Section 229.9A, Code 2011, is amended to  
2 read as follows:

3     **229.9A Advocate informed.**

4     The court shall direct the clerk to furnish the  
5 advocate of the respondent's county of ~~legal-settlement~~  
6 ~~residence~~ with a copy of application and any order  
7 issued pursuant to section 229.8, subsection 3. The  
8 advocate may attend the hospitalization hearing of any  
9 respondent for whom the advocate has received notice of  
10 a hospitalization hearing.

11     Sec. \_\_\_\_\_. Section 229.12, subsection 2, Code 2011,  
12 is amended to read as follows:

13     2. All persons not necessary for the conduct of  
14 the proceeding shall be excluded, except that the  
15 court may admit persons having a legitimate interest  
16 in the proceeding and shall permit the advocate from  
17 the respondent's county of ~~legal-settlement~~ residence  
18 to attend the hearing. Upon motion of the county  
19 attorney, the judge may exclude the respondent from the  
20 hearing during the testimony of any particular witness  
21 if the judge determines that witness's testimony is  
22 likely to cause the respondent severe emotional trauma.

23     Sec. \_\_\_\_\_. Section 229.19, subsection 1, paragraph  
24 b, Code 2011, is amended to read as follows:

25     b. The court or, if the advocate is appointed by  
26 the county board of supervisors, the board shall assign  
27 the advocate appointed from a patient's county of  
28 ~~legal-settlement~~ residence to represent the interests  
29 of the patient. If a patient has no county of ~~legal~~  
30 ~~settlement~~ residence or the patient is a state case,  
31 the court or, if the advocate is appointed by the  
32 county board of supervisors, the board shall assign the  
33 advocate appointed from the county where the hospital  
34 or facility is located to represent the interests of  
35 the patient.

36     Sec. \_\_\_\_\_. Section 229.24, subsection 3, unnumbered  
37 paragraph 1, Code 2011, is amended to read as follows:

38     If all or part of the costs associated with  
39 hospitalization of an individual under this chapter are  
40 chargeable to a county of ~~legal-settlement~~ residence,  
41 the clerk of the district court shall provide to the  
42 ~~county of legal-settlement~~ county of residence and  
43 to the county in which the hospitalization order is  
44 entered the following information pertaining to the  
45 individual which would be confidential under subsection  
46 1:

47     Sec. \_\_\_\_\_. Section 229.31, Code 2011, is amended to  
48 read as follows:

49     **229.31 Commission of inquiry.**

50     A sworn complaint, alleging that a named person

1 is not seriously mentally impaired and is unjustly  
2 deprived of liberty in any hospital in the state, may  
3 be filed by any person with the clerk of the district  
4 court of the county in which such named person is  
5 so confined, or of the county in which such named  
6 person ~~has a legal settlement, and thereupon a~~ is a  
7 resident. Upon receiving the complaint, a judge of  
8 ~~said~~ that court shall appoint a commission of not more  
9 than three persons to inquire into the truth of ~~said~~  
10 the allegations. One of ~~said~~ the commissioners shall  
11 be a physician and if additional commissioners are  
12 appointed, one of ~~such~~ the additional commissioners  
13 shall be a lawyer.

14 Sec. \_\_\_\_\_. Section 229.42, Code 2011, is amended to  
15 read as follows:

16 **229.42 Costs paid by county.**

17 1. If a person wishing to make application for  
18 voluntary admission to a mental hospital established  
19 by chapter 226 is unable to pay the costs of  
20 hospitalization or those responsible for the person are  
21 unable to pay the costs, application for authorization  
22 of voluntary admission must be made through a central  
23 point of coordination process before application for  
24 admission is made to the hospital. The person's county  
25 of ~~legal settlement~~ residence shall be determined  
26 through the central point of coordination process  
27 and if the admission is approved through the central  
28 point of coordination process, the person's admission  
29 to a mental health hospital shall be authorized as a  
30 voluntary case. The authorization shall be issued  
31 on forms provided by the administrator. The costs  
32 of the hospitalization shall be paid by the county  
33 of ~~legal settlement~~ residence to the department of  
34 human services and credited to the general fund of  
35 the state, provided that the mental health hospital  
36 rendering the services has certified to the county  
37 auditor of the county of ~~legal settlement~~ residence  
38 the amount chargeable to the county and has sent a  
39 duplicate statement of the charges to the department  
40 of human services. A county shall not be billed for  
41 the cost of a patient unless the patient's admission is  
42 authorized through the central point of coordination  
43 process. The mental health institute and the county  
44 shall work together to locate appropriate alternative  
45 placements and services, and to educate patients and  
46 family members of patients regarding such alternatives.

47 2. All the provisions of chapter 230 shall apply to  
48 such voluntary patients so far as is applicable.

49 3. The provisions of this section and of section  
50 229.41 shall apply to all voluntary inpatients or

1 outpatients receiving mental health services either  
2 away from or at the institution.

3 4. If a county fails to pay the billed charges  
4 within forty-five days from the date the county  
5 auditor received the certification statement from the  
6 superintendent, the department of human services shall  
7 charge the delinquent county the penalty of one percent  
8 per month on and after forty-five days from the date  
9 the county received the certification statement until  
10 paid. The penalties received shall be credited to the  
11 general fund of the state.

12 Sec. \_\_\_\_\_. Section 229.43, Code 2011, is amended to  
13 read as follows:

14 **229.43 ~~Nonresidents or no-settlement~~ Nonresident**  
15 **patients.**

16 The administrator may place patients of mental  
17 health institutes ~~who have no county of legal~~  
18 ~~settlement, who are nonresidents, or whose legal~~  
19 ~~settlement is unknown~~ on convalescent leave to a  
20 private sponsor or in a health care facility licensed  
21 under chapter 135C, when in the opinion of the  
22 administrator the placement is in the best interests of  
23 the patient and the state of Iowa. If the patient was  
24 involuntarily hospitalized, the district court which  
25 ordered hospitalization of the patient must be informed  
26 when the patient is placed on convalescent leave, as  
27 required by section 229.15, subsection 5.

28 Sec. \_\_\_\_\_. Section 230.1, Code 2011, is amended to  
29 read as follows:

30 **230.1 Liability of county and state.**

31 1. The necessary and legal costs and expenses  
32 attending the taking into custody, care, investigation,  
33 admission, commitment, and support of a person with  
34 mental illness admitted or committed to a state  
35 hospital shall be paid by a county or by the state as  
36 follows:

37 ~~a. By the county in which such person has a legal~~  
38 ~~settlement, if~~ If the person is eighteen years of age  
39 or older, by the person's county of residence.

40 ~~b. By the state when as a state case if such person~~  
41 ~~has no legal settlement residence in this state, when~~  
42 if the person's legal settlement residence is unknown,  
43 or if the person is under eighteen years of age.

44 2. ~~The legal settlement county of residence of any~~  
45 ~~person found mentally ill with mental illness who is~~  
46 ~~a patient of any state institution shall be that the~~  
47 person's county of residence existing at the time of  
48 admission thereto to the institution.

49 3. A county of ~~legal settlement~~ residence is not  
50 liable for costs and expenses associated with a person

1 with mental illness unless the costs and expenses  
2 are for services and other support authorized for  
3 the person through the central point of coordination  
4 process. For the purposes of this chapter, "*central*  
5 *point of coordination process*" means the same as defined  
6 in section 331.440.

7 Sec. \_\_\_\_\_. Section 230.2, Code 2011, is amended to  
8 read as follows:

9 **230.2 Finding of ~~legal settlement~~ residence.**

10 If a person's ~~legal settlement~~ residency status  
11 is disputed, ~~legal settlement~~ the residency shall  
12 be determined in accordance with section 225C.8.  
13 Otherwise, the district court may, when the person  
14 is ordered placed in a hospital for psychiatric  
15 examination and appropriate treatment, or as soon  
16 thereafter as the court obtains the proper information,  
17 determine and enter of record whether the ~~legal~~  
18 ~~settlement~~ residence of the person is ~~one of the~~  
19 following in a county or the person is deemed to be a  
20 state case, as follows:

- 21 1. In the county from which the person was placed  
22 in the hospital~~;~~.
- 23 2. In ~~some other~~ another county of the state~~;~~.
- 24 3. In ~~some~~ a foreign state or country~~;~~ or and deemed  
25 to be a state case.
- 26 4. Unknown and deemed to be a state case.

27 Sec. 108. Section 230.3, Code 2011, is amended to  
28 read as follows:

29 **230.3 Certification of ~~settlement~~ residence.**

30 If a person's ~~legal settlement~~ county of residence  
31 is determined ~~through by~~ the county's central point  
32 of coordination process to be in another county of  
33 this state, the county making the determination shall  
34 certify the determination to the superintendent of the  
35 hospital to which the person is admitted or committed.  
36 The certification shall be accompanied by a copy of the  
37 evidence supporting the determination. Upon receiving  
38 the certification, the superintendent shall charge  
39 the expenses already incurred and unadjusted, and all  
40 future expenses of the person, to the county determined  
41 to be the county of ~~legal settlement~~ residence.

42 Sec. \_\_\_\_\_. Section 230.4, Code 2011, is amended to  
43 read as follows:

44 **230.4 Certification to debtor county.**

45 A determination of a person's ~~legal settlement~~  
46 county of residence made in accordance with section  
47 230.2 or 230.3 shall be sent by the court or the county  
48 to the county auditor of the county of ~~legal settlement~~  
49 residence. The certification shall be accompanied by a  
50 copy of the evidence supporting the determination. The

1 auditor shall provide the certification to the board  
2 of supervisors of the auditor's county, and it shall  
3 be conclusively presumed that the person has a ~~legal~~  
4 ~~settlement~~ residence in the notified county unless  
5 that county disputes the finding of ~~legal settlement~~  
6 residence as provided in section 225C.8.

7 Sec. \_\_\_\_\_. Section 230.5, Code 2011, is amended to  
8 read as follows:

9 **230.5 Nonresidents.**

10 If a person's ~~legal settlement~~ residence is  
11 determined in accordance with section 230.2 or 230.3  
12 to be in a foreign state or country, or is unknown,  
13 the court or the county shall immediately certify the  
14 determination to the department's administrator. The  
15 certification shall be accompanied by a copy of the  
16 evidence supporting the determination. A court order  
17 issued pursuant to section 229.13 shall direct that  
18 the patient be hospitalized at the appropriate state  
19 hospital for persons with mental illness.

20 Sec. \_\_\_\_\_. Section 230.8, Code 2011, is amended to  
21 read as follows:

22 **230.8 Transfers of persons with mental illness —**  
23 **expenses.**

24 The transfer to any state hospitals or to the places  
25 of their ~~legal settlement~~ residence of persons with  
26 mental illness who have no ~~legal settlement~~ residence  
27 in this state or whose ~~legal settlement~~ residence is  
28 unknown and deemed to be a state case, shall be made  
29 according to the directions of the administrator, and  
30 when practicable by employees of the state hospitals,  
31 ~~and the.~~ The actual and necessary expenses of such  
32 transfers shall be paid on itemized vouchers sworn to  
33 by the claimants and approved by the administrator,  
34 and the amount of the expenses is appropriated to the  
35 department from any funds in the state treasury not  
36 otherwise appropriated.

37 Sec. \_\_\_\_\_. Section 230.9, Code 2011, is amended to  
38 read as follows:

39 **230.9 Subsequent discovery of residence.**

40 If, after a person has been received by a state  
41 hospital for persons with mental illness as a state  
42 case patient whose ~~legal settlement~~ residence is  
43 supposed to be outside this state ~~or unknown~~, the  
44 administrator determines that the ~~legal settlement~~  
45 residence of the person was, at the time of admission  
46 or commitment, in a county of this state, the  
47 administrator shall certify the determination and  
48 charge all legal costs and expenses pertaining to the  
49 admission or commitment and support of the person  
50 to the county of ~~legal settlement~~ residence. The



1 certification shall be sent to the county of ~~legal~~  
2 ~~settlement~~ residence. The certification shall be  
3 accompanied by a copy of the evidence supporting  
4 the determination. The costs and expenses shall be  
5 collected as provided by law in other cases. If the  
6 person's ~~legal-settlement~~ residency status has been  
7 determined in accordance with section 225C.8, the legal  
8 costs and expenses shall be charged to the county of  
9 residence or as a state case in accordance with that  
10 determination.

11 Sec. \_\_\_\_\_. Section 230.10, Code 2011, is amended to  
12 read as follows:

13 **230.10 Payment of costs.**

14 All legal costs and expenses attending the taking  
15 into custody, care, investigation, and admission or  
16 commitment of a person to a state hospital for persons  
17 with mental illness under a finding that ~~such the~~  
18 person has a ~~legal-settlement~~ residency in another  
19 county of this state shall be charged against the  
20 county of ~~legal-settlement~~ residence.

21 Sec. \_\_\_\_\_. Section 230.11, Code 2011, is amended to  
22 read as follows:

23 **230.11 Recovery of costs from state.**

24 Costs and expenses attending the taking into  
25 custody, care, and investigation of a person who has  
26 been admitted or committed to a state hospital, United  
27 States department of veterans affairs hospital, or  
28 other agency of the United States government, for  
29 persons with mental illness and who has no ~~legal~~  
30 ~~settlement~~ residence in this state or whose ~~legal~~  
31 ~~settlement~~ residence is unknown, including cost of  
32 commitment, if any, shall be paid ~~out-of~~ as a state  
33 case as approved by the administrator. The amount of  
34 the costs and expenses approved by the administrator is  
35 appropriated to the department from any money in the  
36 state treasury not otherwise appropriated, on itemized  
37 vouchers executed by the auditor of the county which  
38 has paid them, and approved by the administrator.

39 Sec. \_\_\_\_\_. Section 230.12, Code 2011, is amended to  
40 read as follows:

41 **230.12 ~~Legal-settlement~~ Residency disputes.**

42 If a dispute arises between different counties or  
43 between the administrator and a county as to the ~~legal~~  
44 ~~settlement~~ residence of a person admitted or committed  
45 to a state hospital for persons with mental illness,  
46 the dispute shall be resolved as provided in section  
47 225C.8.

48 Sec. \_\_\_\_\_. Section 230.32, Code 2011, is amended to  
49 read as follows:

50 **230.32 Support of nonresident patients on leave.**

1 The cost of support of patients without legal  
2 ~~settlement residence~~ in this state, who are placed  
3 on convalescent leave or removed from a state mental  
4 institute to any health care facility licensed under  
5 chapter 135C for rehabilitation purposes, shall be paid  
6 from the hospital support fund and shall be charged on  
7 abstract in the same manner as state inpatients, until  
8 such time as the patient becomes self-supporting or  
9 qualifies for support under existing statutes.

10 Sec. \_\_\_\_\_. Section 249A.12, subsection 2, Code 2011,  
11 is amended to read as follows:

12 2. A county shall reimburse the department on  
13 a monthly basis for that portion of the cost of  
14 assistance provided under this section to a recipient  
15 ~~with legal settlement in who is a resident of the~~  
16 county, which is not paid ~~from federal funds~~, if  
17 the recipient's placement has been approved by the  
18 appropriate review organization as medically necessary  
19 and appropriate. The department's goal for the maximum  
20 time period for submission of a claim to a county is  
21 not more than sixty days following the submission  
22 of the claim by the provider of the service to the  
23 department. The department's goal for completion  
24 and crediting of a county for cost settlement for  
25 the actual costs of a service under a home and  
26 community-based services waiver is within two hundred  
27 seventy days of the close of a fiscal year for which  
28 cost reports are due from providers. The department  
29 shall place all reimbursements from counties in the  
30 appropriation for medical assistance, and may use the  
31 reimbursed funds in the same manner and for any purpose  
32 for which the appropriation for medical assistance may  
33 be used.

34 Sec. \_\_\_\_\_. Section 249A.12, subsection 6, paragraphs  
35 c and d, Code 2011, are amended to read as follows:

36 c. The person's county of ~~legal settlement~~  
37 ~~residence~~ shall pay for the nonfederal share of the  
38 cost of services provided under the waiver, and the  
39 state shall pay for the nonfederal share of such  
40 costs if the person ~~has no legal settlement is not a~~  
41 resident of this state or the legal settlement person's  
42 residency is unknown so that the person is deemed to  
43 be a state case.

44 d. The county of ~~legal settlement residence~~  
45 shall pay for one hundred percent of the nonfederal  
46 share of the costs of care provided for adults  
47 which is reimbursed under a home and community-based  
48 services waiver that would otherwise be approved for  
49 provision in an intermediate care facility for persons  
50 with mental retardation provided under the medical

1 assistance program.

2 Sec. \_\_\_\_\_. Section 249A.12, subsections 7 and 8,  
3 Code 2011, are amended to read as follows:

4 7. When paying the necessary and legal expenses  
5 for intermediate care facility for persons with mental  
6 retardation services, the cost requirements of section  
7 222.60 shall be considered fulfilled when payment is  
8 made in accordance with the medical assistance payment  
9 rates established by the department for intermediate  
10 care facilities for persons with mental retardation,  
11 and the state or a county of ~~legal-settlement~~ residence  
12 shall not be obligated for any amount in excess of the  
13 rates.

14 8. If a person with mental retardation has no  
15 ~~legal-settlement~~ residence in this state or ~~the legal~~  
16 ~~settlement~~ whose residency is unknown so that the  
17 person is deemed to be a state case and services  
18 associated with the mental retardation can be covered  
19 under a medical assistance home and community-based  
20 services waiver or other medical assistance program  
21 provision, the nonfederal share of the medical  
22 assistance program costs for such coverage shall  
23 be paid from the appropriation made for the medical  
24 assistance program.

25 Sec. \_\_\_\_\_. Section 249A.26, subsection 2, Code 2011,  
26 is amended to read as follows:

27 2. a. Except as provided for disallowed costs  
28 in section 249A.27, the county of ~~legal-settlement~~  
29 residence shall pay for fifty percent of the  
30 nonfederal share of the cost and the state shall have  
31 responsibility for the remaining fifty percent of  
32 the nonfederal share of the cost of case management  
33 provided to adults, day treatment, and partial  
34 hospitalization provided under the medical assistance  
35 program for persons with mental retardation, a  
36 developmental disability, or chronic mental illness.  
37 For purposes of this section, persons with mental  
38 disorders resulting from Alzheimer's disease or  
39 ~~substance abuse~~ a substance-related disorder shall  
40 not be considered ~~chronically mentally ill~~ to be  
41 persons with chronic mental illness. To the maximum  
42 extent allowed under federal law and regulations, the  
43 department shall consult with and inform a person's  
44 county of legal-settlement's residence's central point  
45 of coordination process, as defined in section 331.440,  
46 regarding the necessity for and the provision of any  
47 service for which the county is required to provide  
48 reimbursement under this subsection.

49 b. The state shall pay for one hundred percent  
50 of the nonfederal share of the costs of case

1 management provided for adults, day treatment, partial  
2 hospitalization, and the home and community-based  
3 services waiver services for persons who have no  
4 ~~legal-settlement residence in this state or the legal~~  
5 ~~settlement whose residence is unknown so that the~~  
6 persons are deemed to be state cases.

7 c. The case management services specified in this  
8 subsection shall be paid for by a county only if  
9 the services are provided outside of a managed care  
10 contract.

11 Sec. \_\_\_\_\_. Section 249A.26, subsections 3, 4, and 7,  
12 Code 2011, are amended to read as follows:

13 3. To the maximum extent allowed under federal  
14 law and regulations, a person with mental illness  
15 or mental retardation shall not be eligible for any  
16 service which is funded in whole or in part by a county  
17 share of the nonfederal portion of medical assistance  
18 funds unless the person is referred through the central  
19 point of coordination process, as defined in section  
20 331.440. However, to the extent federal law allows  
21 referral of a medical assistance recipient to a service  
22 without approval of the central point of coordination  
23 process, the county of ~~legal-settlement residence~~ shall  
24 be billed for the nonfederal share of costs for any  
25 adult person for whom the county would otherwise be  
26 responsible.

27 4. The county of ~~legal-settlement residence~~ shall  
28 pay for one hundred percent of the nonfederal share of  
29 the cost of services provided to adult persons with  
30 chronic mental illness who qualify for habilitation  
31 services in accordance with the rules adopted for the  
32 services. The state shall pay for one hundred percent  
33 of the nonfederal share of the cost of such services  
34 provided to such persons who have no ~~legal-settlement~~  
35 ~~residency in this state or the legal-settlement whose~~  
36 ~~residency is unknown so that the persons are deemed to~~  
37 be state cases.

38 7. Unless a county has paid or is paying for the  
39 nonfederal share of the costs of a person's home and  
40 community-based waiver services or placement in an  
41 intermediate care facility for persons with mental  
42 retardation under the county's mental health, mental  
43 retardation, and developmental disabilities services  
44 fund created in section 331.424A, or unless a county  
45 of ~~legal-settlement residence~~ would become liable for  
46 the costs of services for a person at the level of care  
47 provided in an intermediate care facility for persons  
48 with mental retardation due to the person reaching the  
49 age of majority, the state shall pay for the nonfederal  
50 share of the costs of an eligible person's services

1 under the home and community-based services waiver for  
2 persons with brain injury.

3 Sec. \_\_\_\_\_. Section 252.23, Code 2011, is amended to  
4 read as follows:

5 **252.23 Legal settlement disputes.**

6 If the alleged settlement is disputed, then, within  
7 thirty days after notice as provided in section 252.22,  
8 a copy of the notices sent and received shall be filed  
9 in the office of the clerk of the district court of  
10 the county against which claim is made, and a cause  
11 docketed without other pleadings, and tried as an  
12 ordinary action, in which the county granting the  
13 assistance shall be plaintiff, and the other defendant,  
14 and the burden of proof shall be upon the county  
15 granting the assistance. However, a ~~legal settlement~~  
16 dispute concerning the liability of a person's county  
17 of residence for assistance provided through the  
18 county's mental health and disability services system  
19 implemented under chapter 331 in connection with  
20 services initiated under chapter 222, 230, or 249A  
21 shall be resolved as provided in section 225C.8.

22 Sec. \_\_\_\_\_. Section 252.24, Code 2011, is amended to  
23 read as follows:

24 **252.24 County of settlement liable.**

25 1. The county where the settlement is shall be  
26 liable to the county granting assistance for all  
27 reasonable charges and expenses incurred in the  
28 assistance and care of a poor person.

29 2. When assistance is furnished by any governmental  
30 agency of the county, township, or city, the assistance  
31 shall be deemed to have been furnished by the county in  
32 which the agency is located and the agency furnishing  
33 the assistance shall certify the correctness of the  
34 costs of the assistance to the board of supervisors  
35 of that county and that county shall collect from  
36 the county of the person's settlement. The amounts  
37 collected by the county where the agency is located  
38 shall be paid to the agency furnishing the assistance.  
39 This statute applies to services and supplies furnished  
40 as provided in section 139A.18.

41 3. Notwithstanding subsection 2, if assistance  
42 or maintenance is provided by a county through the  
43 county's mental health and disability services system  
44 implemented under chapter 331, liability for the  
45 assistance and maintenance is the responsibility of the  
46 person's county of residence.

47 Sec. \_\_\_\_\_. Section 331.424A, subsection 6, Code  
48 Supplement 2011, is amended by striking the subsection.

49 Sec. \_\_\_\_\_. Section 331.440, subsection 2, paragraph  
50 b, Code Supplement 2011, is amended to read as follows:

1     *b. "County of residence"* means the county in this  
2 state in which, at the time an adult person applies for  
3 or receives services, the adult person is living and  
4 has established an ongoing presence with the declared,  
5 good faith intention of living for a permanent or  
6 indefinite period of time. The county of residence of  
7 an adult person who is a homeless person is the county  
8 where the homeless person usually sleeps. A person  
9 maintains residency in the county in which the person  
10 last resided while the person is present in another  
11 county receiving services in a hospital, a correctional  
12 facility, a halfway house for community-based  
13 corrections or substance-related treatment, a nursing  
14 facility, an intermediate care facility for persons  
15 with an intellectual disability, or a residential care  
16 facility, or for the purpose of attending a college or  
17 university.

18     Sec. \_\_\_\_\_. Section 331.502, subsection 11, Code  
19 2011, is amended to read as follows:

20     11. Carry out duties relating to the determination  
21 of legal settlement residency, collection of funds  
22 due the county, and support of persons with mental  
23 retardation as provided in sections 222.13, 222.50,  
24 222.61 to 222.66, 222.69, and 222.74.

25     Sec. \_\_\_\_\_. Section 347.16, subsection 3, Code 2011,  
26 is amended to read as follows:

27     3. Care and treatment may be furnished in a county  
28 public hospital to any sick or injured person who has  
29 legal settlement outside the county which maintains  
30 the hospital, subject to such policies and rules as  
31 the board of hospital trustees may adopt. If care  
32 and treatment is provided under this subsection to  
33 a person who is indigent, the county in which that  
34 person has legal settlement shall pay to the board  
35 of hospital trustees the fair and reasonable cost of  
36 the care and treatment provided by the county public  
37 hospital unless the cost of the indigent person's care  
38 and treatment is otherwise provided for. If care and  
39 treatment is provided to an indigent person under this  
40 subsection, the county public hospital furnishing the  
41 care and treatment shall immediately notify, by regular  
42 mail, the auditor of the county of legal settlement  
43 of the indigent person of the provision of care and  
44 treatment to the indigent person. However, if the  
45 care and treatment is provided by a county through  
46 the county's mental health and disability services  
47 system implemented under chapter 331, liability for the  
48 assistance and maintenance is the responsibility of the  
49 person's county of residence.>

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PROPOSED COMMITTEE AMENDMENT